

UNITED STATES DISTRICT COURT



***DISTRICT OF MONTANA***

December 9, 2022

*Re: BRENDA LEE HELD v. STATE OF MONTANA, ET AL., Cause No. CV 22-137-BLG-SPW-TJC*

**NOTICE OF CASE OPENING**

Attached you will find a copy of the Court's docket sheet for your case. Please put the **cause number** and the **correct division** on all documents you submit to the Court regarding this case. You should send mail to the division reflected on your case caption and in your case number. Your case is venued in BILLINGS. Please address all of your mail to the James F. Battin Courthouse, 2601 2nd Ave. N., Billings, Montana, 59101.

**Form of Submitted Documents:** All documents you submit to the Court should be in the form of a pleading, notice, motion, or brief. Letters to the presiding judge are not authorized by the governing rules and should not be sent. Any letters or documents addressed directly to the judge or other court staff other than the Clerk of Court are not part of the record and will not be considered for any purpose.

**Prescreening Requirement:** Pursuant to 28 U.S.C. § 1915(e)(2) and/or Rule 4 of the Rules Governing Section 2254 Cases, the presiding judge prescreens all cases filed in forma pauperis. Each case receives the presiding judge's individual attention. Many cases are before the Court and thus prescreening takes some time. As soon as an Order is issued, a copy will be mailed to you. The Court will not consider appointing counsel, serving your Complaint upon Defendant(s), or requiring an Answer from Respondents until after the prescreening process is complete.

**Privacy Protection:** Federal Rule of Civil Procedure 5.2 prohibits litigants in non-habeas proceedings from submitting documents to the Court which contain certain personal information. We ask, but do not require, that habeas litigants follow these rules as well. To follow these rules,

- social security numbers, taxpayer identification numbers, and financial account numbers must include only the last four digits (e.g. xxx-xx-5271, xx-xxx5271, xxxxxxxx3567);
- birth dates must include only the year of birth (e.g. xx/xx/2001); and
- names of persons under the age of 18 must include only initials (e.g. L.K.).

If your documents (including motions and exhibits) contain any of the above listed information, you must black that information out before sending those documents to the Court in a non-habeas action.

You are responsible for protecting the privacy of this information in a non-habeas case. Privacy protection rules do not apply to copies of records you have obtained from courts or administrative agencies.

**Inquiries to Clerk of Court:** No one at the Court is permitted to give you legal advice. The Clerk of Court does not have the authority to take any action with respect to your case unless a judge or rule authorizes the Clerk to do so.

**Change of Address:** You must immediately inform the Clerk of Court of any change in your address. Failure to do so may result in dismissal of your case without notice to you.

**Copy Costs:** Litigants proceeding in forma pauperis are not exempt from other fees and costs associated with prosecuting their actions, including but not limited to copying and witness fees. It is important to realize that even if you are proceeding with an action in forma pauperis, neither the Court nor the Clerk's office can make copies for you free of charge. Copies of documents in your file cannot be provided to you by the Clerk's Office without a charge of \$0.10 per page which must be pre-paid at the time that you make your request. Therefore, you should always keep a copy, for your own records, of all documents that you sent to the Court or to the Clerk's Office.

## NOTICE REGARDING ELECTRONIC FILING

As of November 7, 2005, the United States District Court for the District of Montana uses an electronic filing system. All documents that you send to the Court for filing will be scanned and filed in electronic form. (A scanner takes a picture of the document and makes it into an electronic file so that the document can be viewed on a computer screen, saved on a computer hard drive, or printed.) The electronic version of your document is the Court's official record of that document. The electronic version is identical to the original paper document and no one can alter the document. After scanning, the paper documents the Court receives from you will be discarded.

To ensure that your documents are legible in electronic form:

- Use white, unlined paper only;
- Type your documents or hand write in ink, not pencil;
- Do not use highlighters of any kind;
- Do not staple or otherwise bind the pages of a document together, though you may paper-clip or clamp pages together if you are submitting more than one document for filing;
- Submit only one original document. Copies are no longer required for the federal court; and
- Do not submit ANY double-sided pages. PLEASE CHECK YOUR MATERIALS CAREFULLY and replace any double-sided pages with two single-sided copies. Please be aware that orders of the Montana Supreme Court are frequently printed on both sides of the page.

If the Court is unable to make a legible electronic version of your document, you will be given an opportunity to correct the problem.

You will receive by mail from the Court a paper copy of any order that is issued in the case. You will receive by mail from other parties a paper copy of any document that party files with the Court. Alternatively, if you would like to be served with these documents via e-mail, you may sign and return the enclosed consent to electronic service.

Once you have paid the filing fee or the court has granted you permission to proceed IFP, you may register to file your documents electronically in CM/ECF and receive and view via e-mail everything that is filed in your case by you, the judge, and any other parties in your case. By registering for electronic filing, you waive your right to receive service of documents by first class mail. The Clerk of Court reserves the right to revoke or suspend the electronic filing privilege of any electronic filer who fails to comply with the Federal Rules of Civil Procedure, Local Rules, and the Guide to Electronic Filing. Please refer to the court's website for more information on this process.

If you want to file your documents in person or via the mail, you may still consent to receive the documents filed in your case via e-mail. To do so, complete and return the "Consent to Electronic Service" form (found on the court's website) to the Clerk of United States District Court, District of Montana. By consenting to electronic service, you waive your right to receive service of documents by first class mail.

Some documents, including orders by judges, are created and filed directly in electronic form and do not need to be scanned. While you will receive a paper copy of any such documents, you should be aware that such documents may be signed with "/s/" followed by the printed name of the signer. That form of signature is a legal and valid signature that is fully recognized and accepted by the Court. Because your documents will be scanned, you should always sign your documents in the conventional manner.